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Editor
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This publication is produced by
members of the Law Enforcement
Communication Unit, Training Division.

Internet Address
leb@fbiacademy.edu

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Strategies to Avoid Interview Contamination

By VINCENT A. SANDOVAL, M.A.

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The unmarked sedan carrying Detectives Barnes and Bailey screeches to a stop in front of a construction site, catching the workers in hard hats by surprise. The drone of city traffic, honking horns, and a vibrating jack hammer permeates the background. Slamming their doors as they exit the sedan, the two detectives investigating the disappearance of Donna Hudson converge upon one of

the men, and, in a demanding voice, Detective Barnes bellows, "Are you James Johnson?" Caught by surprise but not to be outdone, Johnson inflates his chest and retorts in an equally gruff voice, "Who wants to know?" Ignoring the other construction workers and the gathering crowd of curious onlookers, Detective Bailey crosses his arms and spits, "We're the police. And, *you* were with Donna

Hudson last night, weren't you?" Johnson begins to deny knowing anything about Hudson's activities the night before when he is interrupted abruptly by the scowling Detective Barnes who barks, "If you don't come clean, you're going downtown with us. Now what's it gonna be?" Johnson defiantly crosses his arms, looks Detective Barnes in the eye, and replies, "Well, I guess we're going downtown,



Special Agent Sandoval is an instructor in the Law Enforcement Communication Unit at the FBI Academy.

The objective of any interview should be to acquire accurate and complete information without contaminating the interview process.

aren't we?" Within moments, the detectives usher Johnson into the back seat of the unmarked sedan, which rushes off leaving the growing crowd of curious onlookers perplexed at what they have just witnessed.

This scene plays out each week on television police dramas. Although effective at helping resolve major crimes in an hour or less, the interviewing strategy modeled in these fictional portrayals rarely produces the same results in the real world. To the contrary, the television scenario serves to illustrate how readily an interviewer *inadvertently* can contaminate the fact-finding process, hence producing less than the desired results.¹

Contamination occurs when investigators impede or negatively influence the interview process, thereby causing the subject² to provide inaccurate

information. Contamination can hinder subjects from fully disclosing what they know and, as a result, handicap investigators in their search for the truth. The concept of contamination, however, is not unique to law enforcement, but also touches other arenas, such as the world of professional psychotherapy and counseling. In an effort to arrive at the truth regarding allegations of possible sexual abuse, one of the dangers therapists face when counseling alleged victims involves distorting their memories, thereby causing them to recount events that may not be accurate.³ "Therapists can unintentionally plant suggestions that lead to the creation of false memories of abuse. Memories can be distorted, even created, by the tone of voice, phrasing of a question, subtle nonverbal signals, expressions of boredom, impatience."⁴

An early study on interviewing found that the single most important determinant of whether a criminal case would be resolved satisfactorily was the information gained from the interview of a witness, victim, or suspect in a crime.⁵ Despite advances in forensic science, experienced interviewers recognize that this principle still holds true.⁶ The objective of any interview should be to acquire accurate and complete information without contaminating the interview process. Yet, any number of factors can contaminate the interview. For example, the environment where the interview is conducted, to include the number of interviewers, can influence the subject adversely. In addition, the interviewers' own nonverbal behaviors, including the way they address subjects and how they deliver their questions, can result in incomplete or inaccurate information. Also, research has suggested that another source of contamination during an interview involves the specific questions interviewers ask subjects.⁷ Despite the fact that the amount of information obtained during the interview often will be in direct proportion to the kinds and the quality of questions asked, in reality, many investigators give little thought to the questions they ask at different stages in the interview. However, by considering the factors that can contribute to

contamination as they develop their interviewing strategy, investigators can minimize these effects and maximize the prospects of conducting a successful interview.

Depending on the subject of the interview and the circumstances surrounding it, an investigator's strategy, on occasion, can become very involved. On the other hand, extensive interview preparation is a luxury that busy investigators rarely can afford. While the interviewing techniques used by Detectives Barnes and Bailey illustrate how readily an interview can become contaminated, they also serve to introduce an interviewing strategy focused on three critical dimensions—the interview environment, the interviewer's behavior, and the questions posed by the interviewer—that could have improved the detectives' chances of learning the truth about the disappearance of Donna Hudson.

FOCUS ON INTERVIEW ENVIRONMENT

Interview Location

In the police television drama cited in the opening scenario, a number of factors contributed to a less-than-successful interview. The background noises and curious onlookers only served to detract from Detectives Barnes and Bailey's abilities to conduct the

interview and Johnson's willingness to cooperate and provide them with information about the disappearance of Donna Hudson. Interviewing a subject on a noisy and busy city street with multiple onlookers is fraught with danger. An investigator must be wary of prematurely interpreting a subject's behavior as disinterested, unwilling to cooperate, or even deceptive when conducting the

Interviewing a subject on a noisy and busy city street with multiple onlookers is fraught with danger.

interview in an environment that contains distractions or contaminants. For example, if a subject breaks eye contact after an interviewer asks a question, the interviewer may prematurely conclude that the subject is being deceptive. Instead, the subject merely could be distracted by a passing vehicle or someone casually walking by.⁸ Selecting a quiet place free of distractions⁹ and without any physical barriers between the interviewer and the subject of the interview is critical.¹⁰

Prior to arriving at the construction site in search of James Johnson, Detectives Barnes and Bailey would have been better served by considering the importance of the interview environment. They would have enhanced their prospects of enlisting Johnson's cooperation into the disappearance of Donna Hudson if they had chosen to conduct their interview somewhere other than the construction site. It could have taken place at their department, at Johnson's residence, or even at a neutral location. By recognizing the danger inherent in asking Johnson any questions at his place of employment while surrounded by his peers and curious onlookers, the detectives would have avoided the risks of misinterpreting Johnson's responses and behavior and prematurely concluding that he was hiding information about Donna Hudson—a crucial mistake difficult to repair. In reality, Johnson may have reacted to nothing more than their haughty approach and to the fact that they confronted him in the presence of his coworkers on a busy and noisy city street.

Number of Interviewers

Popular television shows can lead the public to believe that multiple investigators normally interview a victim or even a suspect. Viewers often see two or more investigators asking the

subject of a television police interview a barrage of questions. However, common sense and experience have shown that people tend to talk about what they know, including confessing their deepest secrets and crimes, when in the company of one or, at the most, two investigators. The late, renowned polygraph examiner John Reid underscored this obvious, yet often overlooked, principle. He recommended that only one investigator should be present in the room when conducting an interview and interrogation of a suspect and also said, "The principle psychological factor contributing to success...is privacy."¹¹

As part of their interviewing strategy, Detectives Barnes and Bailey should have decided *beforehand* the benefits of having one, versus both, of them present during the interview of James Johnson. If they had chosen to conduct the interview as a team, then one of them should have taken the initiative and become the "lead interviewer," making the necessary introductions, building rapport, and asking Johnson the majority of the questions. The second detective then could have focused his attention on taking thorough interview notes or on assessing Johnson's verbal and nonverbal behavior. Experienced interviewers who work in pairs often "work off of each other," with one taking the lead in asking questions and the

other filling in any gaps in the gathering of information that may become apparent as the interview progresses. In addition, by ensuring that no physical barriers, such as a desk or even an object as seemingly insignificant as a drinking glass or an ashtray, stood between themselves and Johnson, Detectives

Experienced investigators recognize the strategic importance of using their voices to gather information and elicit confessions.

Barnes and Baily then would have been in a better position to not only observe Johnson's entire body but to maintain the psychological advantage by not allowing a barrier for him to "hide" behind.¹²

FOCUS ON INTERVIEWER'S BEHAVIOR

Nonverbal Behavior

Experienced investigators are acutely aware of the importance of observing the nonverbal behavior of the subject of the interview, especially when they

suspect the person of concealing information or having committed a crime.¹³ However, investigators also should realize that the subject of the interview is observing them as well and that through their own body language they can either encourage or discourage the subject from providing information. People communicate volumes through their own nonverbal behavior.¹⁴ Investigators should heed the advice imbedded in the observation that "...the interview is a process in which interviewee and interviewer exert mutual influence on the results of the interview."¹⁵ Body language supplements what a person says verbally with dozens of messages, such as small gestures, eye movements, changes in posture, and facial expressions.¹⁶ In the opening scenario, the detectives' body language sent James Johnson a very clear message. By crossing their arms, staring, scowling, raising their eyebrows, and a host of other nonverbal behaviors, they placed Johnson on the defensive and truncated the prospect of gaining his cooperation.

Detectives Barnes and Bailey could have gained the psychological advantage by understanding the role that the interviewer's nonverbal behavior plays in the interview and then taking deliberate steps to ensure that their body language encouraged Johnson to talk. They could have employed such

appropriate nonverbal communication as maintaining an open posture without crossing their arms; being frontally aligned and facing Johnson, as opposed to being canted away from him; leaning forward to show interest in what he said; and acknowledging what he said by maintaining consistent eye contact, physically nodding their heads to encourage him to continue speaking, and, above all, not interrupting him when he spoke.¹⁷

Verbal Behavior or Paralanguage

Psychologists have long recognized the importance that the interviewer's voice plays in the interview.¹⁸ An interviewer's voice can affect the outcome of the interview, especially during the information-gathering stage. If the investigator speaks in a loud voice or even stresses one word over another, it will act like any other source of distraction or contamination and will deflect the subject's concentration.

Detectives Barnes and Bailey immediately placed James Johnson on the defensive with their abrasive, demanding, and demeaning style. Investigators inadvertently can contaminate an interview through their paralanguage (i.e., the manner in which they say what they say).¹⁹ Most interviewers readily recognize the importance of

the words that they use or the content of their speech. However, interviewers also should pay careful attention to the manner in which they speak to subjects and the way that they pose their questions.

Experienced investigators recognize the strategic importance of using their voices to gather information and elicit



confessions. In fact, a seasoned polygraph examiner maintains that one of the most important qualities that interviewers and interrogators can possess is their ability to use their voices to project sincerity to the subject.²⁰ Drawing upon years of experience in conducting interviews and interrogations, this examiner has concluded that to project sincerity, investigators should consciously and deliberately slow down their rate of speech and speak very softly. This ability, while unnatural for many, is complicated by the fact that investigators themselves may become nervous or excited

during the interview. The natural tendency for someone who becomes nervous is to speak faster and louder. Similar to fledgling public speakers who consciously and deliberately try to slow down their rate of speech, interviewers can transform the dynamic of the interview by intentionally manipulating their voices. "Some investigators may find it difficult to master the art of speaking softly at first because they are not used to playing their professional roles as soft-spoken figures...but minimal practice combined with concentration and self-monitoring should promote better interview habits."²¹

The loud volume and abrasive tone of Detectives Barnes and Bailey's voices did nothing to create a mood that encouraged Johnson to cooperate. The detectives failed to consider that through the quality of their voices they placed Johnson on the defensive and, thus, discouraged him from providing the information they sought. Research has shown that the pitch of a person's voice constitutes the best vocal indicator of emotion.²² Approximately 70 percent of individuals studied experienced higher pitch in their voices when they became angry or afraid.²³ Had Detectives Barnes and Bailey monitored the pitch of their voices and spoken slowly, softly, and deliberately, they would have fostered an

Tragic Consequences of Interview Contamination

The results of interview contamination can produce devastating consequences, such as those that occurred in the case of a man falsely convicted of rape in the early 1980s. Investigators conducted an interview of the rape victim, wherein they coached her into selecting the man out of a photo array of individuals.⁴⁵ It constituted a classic example of contamination as the investigators subtly manipulated the victim, leaving her no alternative but to select the man, whose general physical description and vehicle matched those she previously had provided. A series of investigative and prosecutorial errors followed, leading to the man's conviction for rape. For years, he fought to clear his name and have the conviction overturned. Subsequently, the conviction not only was overturned but a jury awarded his estate a \$2.8 million settlement.⁴⁶ Unfortunately, he did not live to see his name cleared; he died a few months before the settlement at the age of 35. It was a tragedy ignited by investigators who contaminated an interview of a distraught victim and led her to believe that they had caught her attacker.

environment that encouraged Johnson to cooperate and to talk.

During the information-gathering phase of the interview, investigators should make every effort to deliver their questions without placing more vocal stress or emphasis on any one word over any other, referred to as phrasing questions in a “leveler mode.”²⁴ For example, instead of asking, “Did you rape the girl?” or “Did you *rape* the girl?” wherein an emphasis is placed on the subject or on the crime itself, the interviewer merely should ask, “Did you rape the girl?” Although this may represent a valid question designed to assess a suspect’s verbal and nonverbal behavior, interviewers who place more vocal stress on one word as opposed to another inadvertently can contaminate the response, thereby

running the risk of misinterpreting the suspect’s behavior.

Detective Bailey immediately contaminated Johnson’s response by asking, “*You* were with Donna Hudson last night, weren’t you?” Johnson may not have had anything to do with the disappearance of Donna Hudson, but his reaction to Detective Bailey’s question, delivered in an accusatory manner, prompted the detectives to interpret it as evasive and deceptive behavior. In reality, Johnson may have wanted merely to defend himself and felt the need to verbally retaliate to what he perceived as a threat to his masculinity or pride. This does not suggest that an investigator never should accuse or confront a suspect. Most investigators recognize when to appropriately transition from an interview to

an interrogation and to mark this transition by convincingly accusing the suspect of involvement in or knowledge of a crime.²⁵

FOCUS ON INTERVIEWER’S QUESTIONS

Most investigators define an interview as a conversation with a purpose²⁶ and recognize that a list of questions does not, in and of itself, constitute an interview.²⁷ This does not suggest, however, that investigators should not formulate relevant questions to address specific topics to explore prior to conducting an interview. To the contrary, proper interview preparation must include this aspect as well.²⁸

The skillful and adept handling of questions can encourage

subjects to participate in the interview process. On the other hand, improper questioning techniques can create barriers, stifle the flow of information, and, hence, contaminate efforts to arrive at the truth. Experience has shown, however, that even when investigators have specific questions in mind going into an interview, they tend to pose those questions in a random and haphazard manner, giving little thought to the psychology behind eliciting the subject's cooperation. Although it appears deceptively easy, asking questions in a cohesive manner designed to arrive at the truth is, in itself, a complex skill. In reality, interviewers often ask subjects a barrage of questions with little or no forethought to a deliberate order or purpose. As one investigator has said, "We often fly blind into verbal combat."²⁹ Experienced investigators can identify with the observations that "...we ask too many questions, often meaningless ones. We ask questions that confuse the interviewee, then we interrupt him. We ask questions the interviewee cannot possibly answer. We even ask questions we don't want answers to, and, consequently, we do not hear the answers when forthcoming."³⁰

One approach proven effective with many investigators involves thinking of the questioning process as a funnel, similar to a funnel used to pour a liquid.

In its design, a funnel is broad near the top and gradually narrows until it culminates in a very small opening at the bottom. Using this analogy and employing the categorization of questions as either closed or open-ended,³¹ interviewers should begin the information-gathering phase with broad open-ended inquiries designed to obtain as much information as possible and culminate the process with very direct and specific closed questions.

Open-ended questions minimize the risk of interviewers imposing their views or opinions of what happened on the subject.

The Value of Open-Ended Questions

Open-ended questions minimize the risk of interviewers imposing their views or opinions of what happened on the subject. Beginning with open-ended questions takes advantage of the psychology of active listening as a skill that encourages the use of broad inquiries to gather as much information as possible. An open-ended question, such as

"Tell me what happened?" encourages the subject to provide a broad, amplified response. Other open-ended questions can begin with phrases, such as "Tell me your side of the story..." "Explain to me..." "What happened when...?" and "Describe the person...."

Many recognize that open-ended questions constitute the most effective questions for gathering information.³² For example, crisis negotiators use this technique to help resolve volatile confrontations successfully.³³ Negotiators recognize that open-ended questions, by design, encourage individuals to talk. As long as people keep talking, negotiators can gain insight into their concerns, desires, and motives. Negotiators then can use this insight to attempt to diffuse a crisis. By the same token, investigators also can take advantage of the benefits inherent in open-ended questions by concentrating on them at the beginning of the interview.

The Value of Closed Questions

Closed questions, on the other hand, elicit more narrowly defined responses from the subject, such as a yes, no, or other brief answer. Examples of closed questions include "Who was with you?" "What time was it?" "Where did you go?" and "When did this happen?" Closed questions, which are specific and

Tips for Avoiding Interview Contamination

Focus on Interview Environment

Questions to Consider

Where should the interview take place?

How should the room be configured?

Who should conduct the interview?

Strategies to Use

A location free of distractions.

Without barriers (e.g., desk or plants) between interviewer and subject.

One interviewer builds rapport and engenders trust more easily. Two interviewers should use team approach; one asks questions and the other takes notes.

Focus on Interviewer's Behavior

Questions to Consider

How can interviewers encourage subjects to talk?

How can interviewers encourage subjects to listen?

Strategies to Use

Use an open and relaxed posture, facing the subject; lean forward, make eye contact, nod, and occasionally say “uh huh” and “ok.”

Speak slowly, softly, and deliberately; avoid stressing or emphasizing one word over another.

Focus on Interviewer's Questions

Questions to Consider

What is a model for posing questions?

What are the benefits of open-ended questions?

What are the benefits of closed questions?

How can interviewers ensure thoroughness?

What are other cautions during questioning?

Strategies to Use

A funnel, with open-ended followed by closed questions.

Gather complete information, minimize the risk of imposing views on subject, and help assess subject's normal behavior.

Elicit specific details, ensure accuracy, and help detect deviations/changes in subject.

Address the basics of who, what, when, where, how, and why.

Never ask questions that disclose investigative information and lead the subject toward a desired response.

direct, ensure that interviewers elicit details from the subject. Closed questions that prompt a yes or no response are referred to as bipolar questions inasmuch as these represent the only two answers that the subject logically can provide.³⁴ By design, closed questions limit the subject's response. As such, they generally are not the most effective questions for obtaining information. Closed questions, however, can help corroborate information and secure specific details. Often, as investigators prepare to document their interviews by reviewing their notes, they find that they neglected to obtain detailed and specific information. To alleviate this, they should bear in mind the importance of thoroughness, which includes obtaining answers to the basic closed questions of who, what, when, where, why, and how. By doing so, they stand a better chance of having acquired all of the details.

The Balanced Approach to Asking Questions

Over the last 70 years, numerous researchers have studied the benefits of open-ended, or narrative reporting, versus the use of specific, more direct questions, or interrogatory reporting.³⁵ One conclusion from this research revealed that the use of open-ended questions generated more complete information, but potentially less

accurate information, than the use of more direct closed questions. Being aware of this, investigators should take advantage of the benefits inherent in each kind of question—open-ended questions for obtaining complete information and more direct closed questions for ensuring the accuracy of the information.

Using this strategy, Detectives Barnes and Bailey would have had more success by beginning their interview of James Johnson with broad open-ended

ensure that they obtained all of the details concerning Johnson's relationship with Hudson and the night in question. Other questions could have included "What was Hudson wearing when you last saw her?" "What was her 'state of mind'?" "What time was it when you last saw her?" "Where were you when you last saw her?" "When did you last see her?" "Is there anyone who can vouch for your activities last night?" "Where did this take place?" and "How did this happen?"

The Danger of Leading Questions

Interviewers can influence the subject by the words they choose to use. The precise questions asked during an interview prove crucial because even slight changes in the wording can cause the subject to provide a different answer. For example, researchers designed an experiment to see whether substituting one word for another would affect a subject's recall of an event.³⁶ Forty-five subjects viewed films of an automobile accident. Then, they were interviewed, with each subject being asked the same questions except for one variation. Some subjects were asked, "About how fast were the cars going when they hit each other?" Other subjects were asked, "About how fast were the cars going when they smashed into each other?" Additional

Interviewers can influence the subject by the words they choose to use.

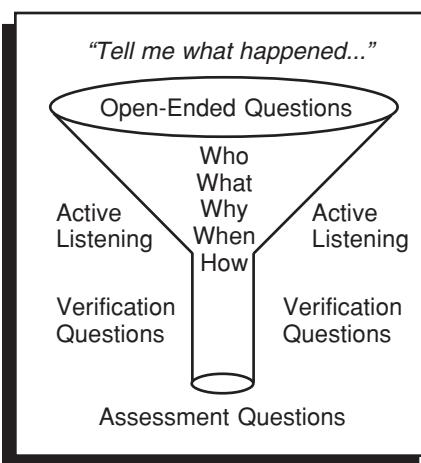
questions, such as "Tell me about your relationship with Donna Hudson." After establishing that Johnson, in fact, had spent time with the victim the evening before, the detectives could have continued with additional open-ended questions, such as "Tell me everything you did yesterday from the time you left your job until you went to sleep." As the interview progressed, the detectives gradually could have incorporated more specific and direct questions to

words used to describe the same action of the two cars coming together included *collided*, *bumped*, and *contacted*. All of the subjects who were asked the question with the word *smashed* estimated the speed of the cars higher than those questioned with the words *collided*, *bumped*, and *hit*, where the speed estimates were progressively lower.³⁷ The experiment illustrated that the wording of a question can influence the answer. “This effect has been observed when a person is reporting his own experiences, describing events he has recently witnessed, or answering a general question, for example, How short was the movie?”³⁸

During the information-gathering phase, interviewers should consider carefully their choice of words, especially descriptive adjectives and action verbs. Investigators should refrain from using words that could lead a person in a specific direction. A leading question indicates to the interviewee the response that the interviewer wants.³⁹ In the automobile accident experiment, the interviewers intentionally contaminated the fact-finding process by using the more volatile word *smashed* as opposed to the more benign words *collided*, *bumped*, and *hit*. Through the use of emotionally laden words, investigators can contaminate an interview by leading

or suggesting to the subject the answer they want.

As an example, investigators searching for a robbery suspect who repeatedly used a chrome-plated .357-magnum revolver interview a female victim who tells them, “He pointed a gun at me.” If the investigators respond, “Was it a chrome-plated .357-magnum revolver?” before she can describe the weapon, then they have contaminated her response by leading her in a very



specific direction. The legal system has recognized the danger of the use of leading questions and even has formulated rules indicating when they are permitted in that context.⁴⁰ Unfortunately, no rules governing investigative interviews exist that prevent investigators from leading the subject in a specified direction. The consequences of such actions can include inaccurate information, which can complicate an

investigation and even taint the subject’s testimony.

The Importance of Assessing Behavior

The objective at the outset of the suspect interview should be to fully identify the subject by using innocuous questions to obtain information, such as the person’s complete name, any aliases, age, residential address, and other pertinent background information. Throughout the interview, the investigator is endeavoring to determine what involvement, if any, this particular suspect had in the commission of the crime under investigation. The suspect interview, designed to ascertain if a person has knowledge of or is involved in the commission of a crime, often is referred to as the behavioral analysis interview⁴¹ or relevant issue questions interview.⁴² The use of open-ended questions at the outset of the interview serves the primary purpose of gathering information and, at the same time, a secondary purpose, especially strategic when interviewing a subject who may have reason to deceive either through concealment or by fabrication. Open-ended questions help investigators determine and assess subjects’ baseline behaviors or “norms.” If subjects do not perceive a question as a threat, they generally respond in a manner

consistent with their normal way of speaking and behaving. Experienced interviewers pay close attention to subjects' verbal and nonverbal behaviors as they respond to a question and continue to assess subjects' behavior, looking for any deviation from their "norms" when they respond to more sensitive questions later in the interview. Skillful questioning of suspects includes not only asking the right questions at the proper time but also monitoring and assessing suspects' behavior during and following their responses to these questions.

Using this approach, Detectives Barnes and Bailey would have proceeded much differently in their interview of James Johnson. After obtaining biographical information, they would have asked Johnson a series of open-ended questions to obtain as much information as possible about his relationship with and knowledge of the disappearance of Donna Hudson. Throughout the process, the detectives would have monitored Johnson's behavior closely as he responded to these questions to establish his behavioral "norms." The detectives then would have asked Johnson more direct questions designed to assess any changes in his behavior, such as "Did you have anything to do with Donna Hudson's disappearance?" "Why do you think

somebody would harm Donna?" "What do you think should happen to the person who harmed Donna?" and "Would you be willing to take a polygraph exam in an effort to get this matter cleared up?"⁴³ Any success that Detectives Barnes and Bailey would have had in determining if Johnson was responsible for Donna Hudson's disappearance

***Investigators
should refrain
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specific direction.***

leads to a breakdown in communication, which greatly hinders the search for truth. But, by examining some basic interview principles, investigators can develop more in-depth strategies to minimize the effects of contamination.

Although every interview is unique, by focusing on three fundamental elements—the interview environment, the interviewer's behavior, and the questions posed by the interviewer—before the interview and by implementing some time-proven guidelines, investigators psychologically will create an environment that encourages the subject to provide more complete and accurate information. This, in turn, will lead to discovering the truth, the investigator's ultimate goal. ♦

would have been in direct relation to the kinds of questions they asked, the timing of those questions, as well as their ability to detect any deviations from his "norms," both during and after they asked the question.⁴⁴

CONCLUSION

Interview contamination can result in devastating consequences not only for law enforcement professionals but for the public they must protect. Impeding or negatively influencing the interview process, whether knowingly or unknowingly,

Endnotes

¹ The author is indebted to Mr. Avinoam Sapir with the Laboratory for Scientific Interrogation (SCAN) for coining the phrase *interview contamination* in *The L.S.I. Course on SCAN Workbook*.

² In this article, the term *subject* refers to the person being interviewed or the interviewee, whether the person is a victim, witness, or suspect.

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²⁵ Supra note 11, 85.

²⁶ Supra note 6, 4.

²⁷ John E. Hess, "The Myths of Interviewing," *FBI Law Enforcement Bulletin*, July 1989, 14-16.

²⁸ Supra note 24, 221.

²⁹ Supra note 12, 4.

³⁰ Supra note 5, 21.

³¹ Supra note 18, 73.

³² Supra note 5.

³³ Gary W. Noesner and Mike Webster, "Crisis Intervention: Using Active Listening Skills in Negotiations," *FBI Law Enforcement Bulletin*, August 1997, 13-19.

³⁴ Supra note 24, 33.

³⁵ Supra note 7.

³⁶ Elizabeth Loftus, *Eyewitness Testimony* (Cambridge, MA: Harvard University Press, 1979).

³⁷ Ibid., 96.

³⁸ Ibid., 97.

³⁹ Supra note 5.

⁴⁰ Supra note 5, 97.

⁴¹ Supra note 11, 63.

⁴² Supra note 24, 221.

⁴³ Supra note 11 for additional behavioral assessment questions.

⁴⁴ Supra note 10 for additional information on assessing behavior in the interview.

⁴⁵ Katherine Ketcham and Elizabeth Loftus, *Witness for the Defense* (New York, NY: St. Martin's Press, 1991), 38.

⁴⁶ Ibid., 60.

Wanted: Notable Speeches

The *FBI Law Enforcement Bulletin* seeks transcripts of presentations made by criminal justice professionals for its Notable Speech department. Anyone who has delivered a speech recently and would like to share the information with a wider audience may submit a transcript of the presentation to the *Bulletin* for consideration.

As with article submissions, the *Bulletin* staff will edit the speech for length and clarity, but, realizing that the information was presented orally, maintain as much of the original flavor as possible. Presenters should submit their transcripts typed and double-spaced on 8 1/2 - by 11-inch white paper with all pages numbered. When possible, an electronic version of the transcript saved on computer disk should accompany the document. Send the material to:

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Juvenile Justice

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) presents *Trends in Juvenile Violent Offending: An Analysis of Victim Survey Data*, which offers information on trends in juvenile violent offending from the past two decades, based on data collected from victims of serious, violent offenses (e.g., aggravated assault, robbery, and forcible rape) by the National Crime Victimization Survey (NCVS). This bulletin observes that examining information from a variety of sources related to juvenile offending will assist efforts to prevent and intervene in such delinquency. This report is available electronically at <http://ojjdp.ncjrs.org/pubs/violvict.html#191052> or by contacting the National Criminal Justice Reference Service at 800-851-3420.

Weapons

The National Institute of Justice (NIJ) presents *The Effectiveness and Safety of Pepper Spray, April 2003*, which examines two unpublished NIJ-funded studies on the use of pepper spray in real-life arrests and compares them with previous studies. While the research cannot prove that pepper spray will never be a contributing factor in the death of a subject resisting arrest, it seems to confirm that pepper spray is a reasonably safe and effective tool for law enforcement officers to use when confronting uncooperative or combative subjects. This publication is available electronically at <http://www.ojp.usdoj.gov/nij/pubs-sum/195739.htm> or by contacting the National Criminal Justice Reference Service at 800-851-3420.

Bulletin Reports is an edited collection of criminal justice studies, reports, and project findings. Send your material for consideration to: *FBI Law Enforcement Bulletin*, Room 209, Madison Building, FBI Academy, Quantico, VA 22135. (NOTE: The material in this section is intended to be strictly an information source and should not be considered an endorsement by the FBI for any product or service.)

Canines and Community Policing

An Introduction to K-9 Lite

By CHARLIE MESLOH, Ph.D.

Numerous municipal, county, state, and federal law enforcement agencies in the United States successfully employ canine units as an additional, as well as cost-effective, measure in their crime control strategy.¹ However, this option appears underused in the college and university setting. As shown in crime and drug literature, campuses often suffer the same ills as many communities. Additionally, the threat of terrorist

attacks spawned by the activities of September 11, 2001, have created a sense of uneasiness in an environment previously free of such tension. These two factors offer compelling reasons for starting campus canine programs to supplement the traditional campus police model for the purpose of explosives or narcotics detection.²

Campus law enforcement agencies can establish such programs with a minimum of start-up expenses through creative networking and planning. The University of Central Florida Police Department (UCFPD) based its canine unit upon this premise and offers its own experiences as an example of the potential for this type of operation.³ This paradigm links trained dogs to ongoing community policing efforts by generating high levels of community support through planned media coverage and provides creative funding strategies that can significantly enhance the probability of success in such endeavors.

MEDIA COVERAGE

Prior to the arrival of UCFPD's first dog, the department's public information officer developed the proper social construction of the program. This construct described the canine program as a new form of community-police partnership and the dog as the four-footed community police officer of the

21st century.⁴ Because perception often becomes reality, the department worried that its efforts would be wasted if the public's opinion of the program was anything but positive. Consequently, when a window of opportunity presented itself for a press conference, the department decided to move forward, even though its police dog had not yet arrived. The department used a stand-in dog, K-9 Rommel, to provide the media with the necessary photo opportunity. K-9 Rommel was fully trained and able to perform a number of search-related tasks that captured the interest of a number of television and newspaper reporters who found the story newsworthy.

UCFPD sent press releases to all forms of media (radio, television, and newspaper) and

offered the opportunity to meet its dog. All of those who attended the press conference received a comprehensive fact sheet that contained a cost analysis. By providing the information necessary to construct a newsworthy story, the department played a major role in the direction that the coverage took. Consequently, the initialization of the program met with no criticism, and a strong relationship formed between the department and specific contacts in the media.

PROGRAM FUNDING

Campus law enforcement agencies can procure a number of items at little or no cost that may greatly enhance their canine programs. The only limit to the amount of items is an agency's creativity. UCFPD actively

“Campus law enforcement agencies can establish such programs with a minimum of start-up expenses through creative networking and planning.”



Dr. Mesloh, a former law enforcement officer and canine handler and trainer, currently is an assistant professor at Florida Gulf Coast University in Fort Myers.



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sought donations from other agencies, the military, and citizens in the community, as well as within its own university environment. Much of the department's success hinged on the availability of surplus resources from the federal government.⁵

Although the donation of equipment and supplies is a cornerstone of K-9 Lite, cash funding offers the flexibility to purchase specific items difficult to locate through a direct donation. UCFPD sent e-mails to various corporations seeking sponsorship, and one pet store chain responded. This organization scheduled a series of dog washes at a number of its stores in the region. The business donated the proceeds of these events, plus a cash match from each store, to the program. In addition to the obvious funding benefits, such events offer high visibility interaction with the public,

further strengthening community support.

Identifying Trainers and Handlers

Probably, the most important component of this equation rests with identifying a trainer and a handler for the dogs.⁶ In many cases, small agencies can "piggyback" off larger agencies. These larger agencies usually have many more resources to draw upon and may allow campus canine handlers to attend the training that they conduct with their own personnel. In addition, training aids for both explosives and narcotics detection can be costly and difficult to obtain, as well as possibly create storage hazards. Most larger agencies have identified and dealt with these issues. In the pilot stage of a campus police canine program, it may prove easier to steer clear of these

problems by using the training aids of other agencies. For example, UCFPD had a strong, positive relationship with many neighboring departments that offered to train its dogs at no cost. Moreover, by partnering with other agencies, handlers are exposed to varied methodologies of training, while the relationship between agencies is strengthened by the interaction between their personnel.

Acquiring Dogs

Within the K-9 Lite model, UCFPD attempted to identify donation dogs that possessed the necessary drives to accomplish the tasks at hand. To this end, the department searched newspaper ads and the Internet and contacted animal controls and humane societies within the region. It tested a number of dogs before obtaining one from a rescue shelter, which had learned of the department's search for a drug dog. Screened for ability and temperament by this organization, the dog has completed tracking training and has begun training in narcotics detection. Interestingly, one of the university's fraternities ultimately paid for the dog. Although the cost of the animal was minimal (\$175), the payment symbolized an improved relationship between campus police officers and the student body.

As a cautionary note, agencies must realize that the task of

testing and selecting a dog should fall upon the trainer that eventually will be asked to train the animal. Then, administrators should make the final decision based upon the expert opinion of the trainer and the needs of their particular university environment.

Allocating Vehicles

One of the costliest investments can be the dedication of a vehicle to the program. For UCFPD, however, a solution presented itself (quite by accident) that overcame this issue. The department decided to adopt a 12-hour shift plan after research showed that personnel strongly favored such a change. Upon initiating this shift alteration, the department found that it no longer needed several patrol vehicles to maintain the same level of coverage. In fact, the department was able to remove two vehicles from the fleet and still have surplus pool cars. The department assigned both vehicles to the canine unit, thereby providing take-home cars for the dog handlers.

Obtaining Kennels

One expense not always apparent in the beginning is the kennel that accommodates the dog within the patrol vehicle. These kennels protect the dog from injury and, thus, are a necessary item. However, prices range from \$1,200 to \$3,800,

depending upon the quality and materials used in constructing the kennel. UCFPD contacted all law enforcement agencies in the state of Florida requesting the donation of surplus kennels and received two responses. The department accepted both kennels and installed them in the two dedicated canine patrol vehicles.

PROGRAM EVALUATION

Recently, in holding with the philosophy of community policing, the UCFPD engaged in a research project to evaluate and better understand the various aspects of student experiences at the university.⁷ As part of this project, the department surveyed approximately 600 students to develop a benchmark measure of K-9 Lite. In this system, canines represent an integral part of the public relations aspect of the

department. Likewise, UCF students make up the community as they receive the majority of police services at the university. Consequently, the cumulative perceptions of the students serve as an evaluation and the ultimate measure of success or failure of K-9 Lite. The evaluation eventually will become a steering mechanism for the program, with yearly surveys compared against it to measure levels of student approval.

Preliminary findings indicated that the students, as a community, have responded positively to the canine program as a form of community policing. Seventy percent of the students surveyed believed that the presence of the K-9 unit could deter drug use on campus, while less than 12 percent felt that police dogs were a waste of resources.

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Sixty percent of the students reported that having a bomb dog made them feel more secure on campus, and 67 percent agreed that canines reduced crime on campus. In an examination of contingent valuation, students responded to hypothetical scenarios about out-of-pocket funding for certain canine services. Seventy-eight percent of the students stated that they would pay \$1 or more per month to fund a bomb dog on campus, and 73 percent indicated that they would pay \$1 or more per month to fund a drug dog on campus. Although analysis of the data will continue, initial examination indicated that the K-9 Lite system has met with approval.

CONCLUSION

Canine units can enhance law enforcement's crime control strategies, especially in the areas of narcotics and explosives

detection. Because many campus police departments face the same challenges as municipal law enforcement agencies, they too may benefit from employing detection dogs in their crime control efforts.

The K-9 Lite model implemented successfully at the University of Central Florida represents one method of establishing a canine program. Obviously, not the final word in the creation of a campus canine program, it nonetheless offers one way to begin using trained dogs within a university environment. Additionally, it demonstrates that the minimal costs to fund a canine program provide an opportunity for even the smallest college to establish and maintain a detector dog program, which, in these uncertain times, may prove extremely valuable to the safety of the students and faculty. ♦

Endnotes

¹ One example of K-9 unit cost effectiveness, examined by the author and Dr. Ross Wolf of the University of Central Florida Department of Criminal Justice and Legal Studies in 2002, found that trained search dogs were 33 percent more effective than officers without narcotics-trained dogs when calculating the number of possible arrests.

² The author cautions readers that dogs should *not* be trained to search for both explosives and narcotics, as the potential for a dog to misunderstand creates an unacceptable level of risk to both persons and property.

³ The author and Dr. Ross Wolf first presented the concept of K-9 Lite at the 44th annual International Association of Campus Law Enforcement Administrators conference in Cleveland, Ohio, in July 2002. They based their concept on the model Government Lite first proposed by Marsha Segal-George in *Public Management* 79, no. 7 (1997).

⁴ Based on research the author and Ray Surrette conducted on police dogs in the media, wherein they examined 2,022 newspaper stories around the country over a 7-year period to determine trends and public perception. See "From Killers to Cuddlers: News Media Coverage of Law Enforcement Canines," *Police Forum* 12, no. 4 (2002).

⁵ The Defense Reutilization and Marketing Service, <http://www.drms.dla.mil/>.

⁶ For additional information, see the International Association of Chiefs of Police, "Law Enforcement Canines," *IACP National Law Enforcement: A Compilation of Model Polices*, Volume II, Section 34.

⁷ The project collected data from self-reported survey instruments. Surveys were confidential and voluntary and students were given informed consent prior to receiving the survey. The project adhered to all university requirements regarding human subject participation and obtained Institutional Review Board approval.



Deadly Force, Constitutional Standards, Federal Policy Guidelines, and Officer Survival by John Michael Callahan, *Looseleaf Law Publications, Inc., Flushing, New York, 2001.*

It is axiomatic that the use of force is an inherent part of law enforcement. It remains equally self-evident, in a free society, that whenever a law enforcement officer makes a decision to use deadly force, others will scrutinize that decision severely. To maintain the appropriate balance between the rights of the individual and the interests of society in effective enforcement of its laws and the protection of its officers, it is essential that such scrutiny be fair. That fairness can be achieved only through the application of factually supported, objective criteria. When the criteria are neither factual nor objective, the result never can be fair. In such instances, the ill-informed—not to mention the ill-intentioned—have a disproportionate impact on the process. While little can be done to alter the views of the latter, it must be hoped that good information can educate the former.

With this problem in view, a recently published volume may assist law enforcement

officers, as well as attorneys, members of the media, and the general public. Titled *Deadly Force, Constitutional Standards, Federal Policy Guidelines, and Officer Survival*, this small book (only 46 total pages) addresses a wide range of topics critical to an understanding of the legal and practical issues relating to the propriety of a law enforcement officer's decision to use deadly force.

The book provides an excellent survey of the federal constitutional rules that govern the use of deadly force by the law enforcement community. Equally important, it represents an excellent primer on such issues as wound ballistics, the concept of "action versus reaction," and physiological responses to stress. In other words, it covers the kinds of practical matters that influence an officer's ability to perceive the existence of a threat and to implement an appropriate and timely response. It is not an exaggeration to say that an understanding of these practical matters is essential to a proper application of both law and policy.

The author, a retired FBI special agent, served in the Legal Instruction Unit at the FBI Academy before becoming the chief division counsel in the Boston, Massachusetts, FBI office. He has dealt with deadly force issues not only as an instructor but also as a law enforcement officer in the field. As a consequence of that academic and practical experience, he is singularly qualified to bring together both the legal and the practical elements relating to this subject. His "big" little book is well worth reading.

Reviewed by
John C. Hall, retired
Legal Instruction Unit
FBI Academy

The “Modern Warrior” A Study in Survival

By Richard H. Norcross

The true measure of a person's character comes through adversity and how that individual survives the ensuing challenges. These tests can manifest themselves in everyday life, or they can come in one horrific incident. But, the way that people react, face the threat, and overcome it stands as a testament to who they are and what they are made of. This proves especially important for those charged with enforcing society's laws. Being a law enforcement officer carries an awesome responsibility, and only those with the strongest character will succeed. In the law enforcement profession, there is no other option but success. The strength of character needed lies within everyone; learning to harness it is the key to developing the law enforcement officer's “warrior” mentality.

Having the “warrior” mentality does not mean that officers are prepared to “kill” their enemy nor does it mean that they are prepared to “die” for their cause. Instead, for them, the words *warrior* and *survivor* are interchangeable. Because of this, these officers are prepared to accomplish their mission—to protect the public from the menace of those who violate the law—with honor and to the best of their abilities while overcoming any obstacle by any means. They can apply this mind-set to an armed encounter, to a hand-to-hand altercation, or even to a search for a suspect who stole a small child's bicycle. Warriors/survivors are determined to succeed and will not be distracted from accomplishing the task at hand. In essence, they enter every situation mentally prepared to do what it takes to win.

This determination to win surfaced in research conducted on law enforcement officers who survived serious, life-threatening assaults.¹ Although the study could not provide a definitive answer as to why some officers lived and others did not, it did find that an uncommon “will to survive” existed in many of the surviving officers. These officers related that they attributed their survival to their determination to “win,” which they believed was ingrained in them through concentrated training.

However, for warriors/survivors, it is not enough to just live with the knowledge that they “made it,” that they stared death and fear in the eye, and that they walked away the victor. Rather, they must relate what they have learned, both good and bad, and the characteristics of survival—that warrior/survivor mentality that enabled them to persevere—to other officers who, in turn, can use this hard-won knowledge to overcome the challenges that they will encounter. In short, warriors/survivors must *learn* from their

Agent Norcross serves in the Intelligence Services Unit of the Office of the Prosecutor, Camden County, New Jersey.



tragedies because not doing so is the greatest tragedy of all.

Confronting Adversity

My worst nightmare occurred on April 20, 1995, when I was a detective with the Haddon Heights, New Jersey, Police Department. I, along with five other officers, planned to execute a search warrant for a weapons violation upon a suspected child molester. Our tactic in the execution of the warrant was a ruse. The lead officer, Investigator Jack McLaughlin, was to engage the suspect in a conversation. I volunteered as his backup. Four other officers from my department accompanied us.

The suspect's mother admitted us into the residence, and Jack began speaking with the suspect—who was at the top of an enclosed stairway on the second floor. During the conversation, the suspect attempted to flee. Jack pursued him up the stairs, and, as the backup officer, I drew my weapon and followed. Jack got to the top and turned at a half wall that ran down the hallway. He was met immediately with a hail of gunfire. The suspect, armed with an AK-47 assault rifle in one hand and a 9-mm pistol in the other, mortally wounded Jack.

As I was running up the enclosed steps, I could see Jack being shot in front of me and muzzle flashes above and behind me. The half wall angled around behind the steps so that the assailant was standing almost directly behind me on the second story. I instinctively turned and began firing at the suspect as he began firing at me. I fired three shots before I was struck in my shooting hand by a round that went through my hand and into my pistol, thereby disabling my weapon. Then, the suspect shot me twice in the chest, with one round penetrating my bullet-resistant vest,

and once in the upper right arm. The force of the impacts knocked me onto my back, and I was lying upside down looking up at my attacker. He then took another shot at me with the AK-47 as I lay on the stairs defenseless. This shot struck me in the thigh. His weapon then ran out of ammunition, thus distracting him momentarily.

As I was collapsing after being shot, I remember thinking, "This isn't it. This isn't the way my life is going to end, not here, not on these steps." I was shot in the chest, collapsing my right lung and piercing my diaphragm. An intense, mind-numbing fatigue set in immediately. I desperately wanted to sleep. Just to close my eyes for a moment was the intrusive thought that kept coming. But, I was determined not to go to sleep. Sleep meant certain death, and I was *not* going to die. Then, suddenly, I could not breathe. I felt like I had been thrown into a pool to learn to swim for the first time. I told myself to calm down, to try and breathe. Miraculously, I could inhale a little, just enough to keep going.

Once I calmed myself enough to breathe, several other noteworthy things happened. Initially, I had developed tunnel vision, putting me at a defensive disadvantage. When I calmed myself, my vision cleared. I was able to see my opponent. But, more important, by concentrating on survival, I could exercise my thought process so that I could make life-saving decisions. I knew that I had to get off the stairs, so I used my elbows to drag myself down to the first floor.

As I stood up, the officer who initially had been behind me approached the open doorway. He did not see the assailant charging down the steps nor that he was about to step into the line of fire. I shoved him back to safety and stumbled into the kitchen area where I realized that I was

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In developing the warrior/survivor mentality, facing fears is the hardest obstacle.

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too badly wounded to continue and made my escape through a side door. Once outside, I clearly remember thinking, “Going out back is probably safer, but the cavalry will be coming to the front. Go to the front so you won’t bleed out.” I limped toward the front of the house, collapsed at one point, again dragged myself up, and took a position of cover behind a tree and a telephone pole that had twisted together. I then yelled down to one of my backup officers that I was hit, that I had lost my weapon, and that Jack was down on the second story. Within moments, a patrol car pulled up and whisked me to the hospital.

During the drive to the hospital, I kept saying over and over that I was not going to die. I told the officer who drove me, the paramedics who met us en route, and anyone else who would listen that I was *not* going to die. I never lost consciousness during the entire ordeal until I was put to sleep in the operating room. I refused to give in to that desire to sleep.

As bad as my situation was, it became even worse. My younger brother, John, was home getting ready to come in for the 3 p.m. to 11 p.m. shift. His partner heard the “shots fired, officers down” call on the radio and called John at home. They joined up and responded to the scene. By that time, approximately 10 minutes after the initial shots, the assailant had assumed an offensive position in several second story windows of the residence and was firing at all of the responding officers. He exchanged hundreds of rounds with officers in this extremely intense gun battle that lasted approximately 20 minutes.

My brother and his partner heroically moved a trapped family from inside a neighboring home and took them to safety. As they returned to

positions of cover to reenter the fray, my brother received a single, fatal gunshot wound to the eye from a distance of approximately 70 yards. My closest family member and dearest friend was gone in an instant.

Still, the gun battle raged on. In the end, a 14-hour standoff ensued, but, fortunately, with no further loss of life. The defendant surrendered and was taken into custody.

Facing Fears

If the only casualty had been me, this incident would have been difficult enough, but I would have gotten through it. However, what happened to me was worse than anything I ever could have imagined. I saw Jack, a husband and father of two, die just feet in front of me. My younger brother died coming to back us up. I was critically wounded and, in essence, a lone survivor.

To make matters worse, due to the severity of my injuries, I was on life support for 4 days and could not attend those brave men’s funerals. Thus, I never really got a chance to say my good-byes, and I had a tremendous case of “survivor’s guilt,” a condition where people

play over and over in their minds, “Why them, not me?” I quickly realized that the emotional toll of this event was going to vastly outpace the physical effects.

As soon as I was off life support, I requested a counselor. I began dealing with what had happened. I faced the challenge head on, and I was determined not to die mentally, despite the circumstances. Not only was I going to survive, I was going to *live*.

For a moment, we need to imagine the human mind as a series of rooms. When a critical incident occurs, no matter how large or small, a fire

The preparation for survival can take on many forms, and officers should look on it as deposits for their future.

erupts in one of the rooms. We now have a choice to make: expose ourselves to additional pain and go in and put the fire out or close the door and hope that the fire smothers itself. We all know that the easy answer is to close the door and maybe try to smother the flames with a beer or two. Warriors/survivors, however, do not choose the easy answer. Instead, they take the path that will result in the accomplishment of their goals no matter how difficult the course. My goal was to deal with the fire and extinguish it.

In developing the warrior/survivor mentality, facing fears is the hardest obstacle. We must admit the possibility of defeat and further pain while courageously moving forward. The time will come when we must confront the unthinkable, but the true warrior/survivor will prepare ahead of time. For example, the time to ask, "Can I fight and arrest this person?" is not while squaring off against a tall and muscular 19-year-old gang member who does not want to be arrested. The time to prepare for that is prior to facing such a situation by taking a defensive tactics class or practicing with impact weapons. Survivors prepare both mentally and physically to meet the challenges placed before them.

While in the hospital, one of my doctors said that I should thank whoever picked me up and carried me to safety because that person undoubtedly saved my life. I explained to the doctor that no one carried me. I told him what happened and how I had gotten myself to safety. The doctor credited my sound physical condition from weightlifting as the reason why I was able to help myself despite grievous wounds. Prior to my incident, I did not lift weights because I thought that they would save me the way they did. I lifted so that I could better perform my duties as a

police officer. And, thus, it represents one of the ways that I prepared myself to survive.

Preparing to Survive

Since September 11, 2001, the role of law enforcement has changed drastically. In essence, every man and woman in the law enforcement profession has become a soldier on the front lines responsible for responding to the new threats to American society. Due to these changes, now more than ever, officers need to be prepared to meet the challenge and survive to fight another day. While everyone hopes that no other nightmare like the 11th occurs again,

we must be prepared in case it does. In this manner, I am speaking of individual preparation, getting oneself ready for the ultimate challenge.

The preparation for survival can take on many forms, and officers should look on it as deposits for their future. Many times, my superiors told me that if I needed a particular piece of equipment or to attend a school, they would get it for me or send

me. The bottom line, however, was that it was *my* life, not my sergeant's life or my captain's life. *I* was going to be the person who prepared me for the worst because, rest assured, it was *me* who was going to deal with the aftermath. With this in mind, I offer officers seven basic steps to survival preparation that I have learned from my tragedy.

1) Mind-set: This is the warrior/survivor mentality that says that officers are going to do whatever it takes to accomplish their mission, with the primary mission being their ultimate survival. Their mental preparation is the key to their success. Officers must enter each encounter with the attitude that they are going to be successful. They never should go



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in with a defeatist attitude. If they think they are going to lose, then they are well on their way to doing just that. In my incident, one of the most amazing facts was how fast it happened. The third officer on our team had gotten from the front door of the house to the doorway to the second story—a span of about 11 feet—in the time that the suspect killed Jack and shot me multiple times. In mere seconds, my life changed forever. It is vitally important to realize that these types of events occur in the blink of an eye and that officers' survival instincts must be second nature. Officers cannot think about their actions; they have to happen naturally.

2) Equipment: The day of my incident, I had changed from an undercover holster to a tactical duty rig. I had my spare magazines and handcuffs within easy reach. I had donned my bullet-resistant vest and put a new battery in my radio. I took care to have all of my needed equipment ready and available. Even though my vest did not stop all of the bullets, it did slow them and minimized the trauma. Officers always should make sure that their gear is in top condition. If it is worn, they should replace it or, where practical, upgrade it to the best available. I did not have a backup weapon the day of my incident. In retrospect, I probably would not have been able to use it, but I would have liked to have had it had I become trapped. If departments permit it, I recommend carrying a secondary firearm.

3) Training: Officers should get as much training as possible—they should not let the last law enforcement training they had be basic academy training. If an agency cannot

send its officers to school, they should attend on their own. Officers also should not limit themselves to “cop” schools, but take a martial arts class or learn a foreign language applicable to their policing region. Training also includes firearms proficiency. My assailant practiced at a range on an average of once every 11 days. How many officers take their training that seriously? Moreover, officers should remember to practice weak-hand shooting. I was shot in my shooting hand, and I personally know of three other officers also shot in their shooting hands during engagements.

4) Physical fitness: The only way to find out how a person's body will react in an intense situation is to stress it in some type of controlled physical exertion, in other words, exercise. This is nothing new. To ensure their survival, officers must have their main piece of equipment, their bodies, in top shape. They should do whatever they like—lift weights, run, or ride a bike—just do something to raise their heart rates and strengthen their bodies. Officers will adapt, both physically and mentally, to situations quicker if they have trained for

them. As their heart rates and breathing increase, their mental capacities diminish unless they train their bodies to effectively operate under stressful conditions. In the words of General George Patton, “A pint of sweat today will save a gallon of blood tomorrow.”

5) Professionalism: Officers must be professional and do what they were trained to do. No matter what happens, no one can take away an officer's professional spirit. It is my opinion that professionalism walks hand in

I told the officer who drove me, the paramedics who met us en route, and anyone else who would listen that I was *not* going to die.

hand with the warrior/survivor mentality and that one cannot exist without the other. In the incident that took my brother's life, the officers around him emerged from cover and dragged him to safety. These same officers then returned to the firing line and continued to engage the suspect in gunfire. When the shooting stopped and the laws of our society dictated negotiation as the course of action, they did that. They behaved as professional police officers and did their jobs. The professionalism displayed by those heroic officers serves as a standard to emulate for everyone who wears a badge.

6) Aftermath problems: When a critical incident occurs, officers must not shut the door and allow the fire to spread, but go in and deal with the problem.

Like any wound, if it is allowed to fester, it will hamper their recovery and, ultimately, the quality of the life they are trying to save. Some problems they can handle and others they cannot. Officers must have the wisdom to know the difference; to know when it is time to ask for help from a spouse, a friend, or a professional; and to know that there is no shame in asking

for that help. Facing fears is the warrior/survivor's hardest obstacle, and there is no shame in facing these fears. If I had not had the courage to ask for help from a professional early into my recovery, I would not be where I am today. Many agencies have policies mandating that their officers see a specialist after a critical incident. While they can make their officers go to the meeting, only the officers can make themselves participate in any recovery offered. Officers must

never allow foolish pride or ignorance to stand in the way of their well-being.

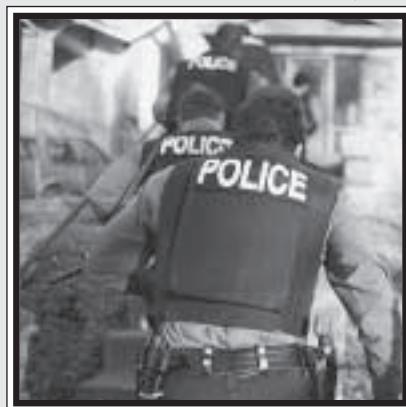
7) Worst-case scenario: One of the first things that recruits do when they join the U.S. military is fill out their will and assign their insurance benefits. The main reason for this is not in case they die, but, instead, it is so they are not worrying about their family members and their future when they should be concentrating on fighting. The same thing applies to the law enforcement profession. Officers should talk with their spouse about worse-case scenarios and discuss insurance benefits, funeral arrangements, and other issues surrounding their untimely demise. I know this is unpleasant, but it is a burden that officers will not carry to work if they already have dealt with it. They then can concentrate on surviving and not what will happen if they do not.

By incorporating these simple principles into their everyday lives, officers will have a box full of survival tools. When a crisis hits, such as the death of a child, they can reach into their handy toolbox and grab the implement needed to make the repairs. Some officers probably can think of other things that I may have omitted.

That is excellent because my goal is to get them to think of their own survival and what they can do to make their chances even better. We are all individuals, and different things work for different people. Many officers will use the new tools in their toolbox for preventative maintenance and that also is a goal of mine.

Conclusion

Am I "Superman"? I think not. Many people have told me that they could not have endured what I have and do what I do. I always tell them



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that I am nobody special. I have learned that there is no "Superman" and that we all are human. I have faced my own mortality and realized that life is truly a precious gift. Living is what I do in the present because I cannot change the past nor guarantee the future. Surviving is not existing; it is living life to the fullest.

The person I am is the person I am. Prior to April 20, 1995, I did not look at myself as having a warrior/survivor mentality. My self-description was that I was a determined individual who did not like to lose. One of my friends pointed out that I was a warrior/survivor because of my determination to overcome the adversity that I had been dealt. But, I felt that I had that desire because I had a wife and three children to think about. I had to survive not only for me but also for them. Without them and their love, I certainly would not have gotten as well as I have.

I also pushed myself out of anger. Anger can become just as good a motivation for survival as love. Some people may disagree with me, I am sure. But, I was not going to let the person who did this to me think that he had killed me without killing me. When it came time for the trial, I was going to be there, head held high, to testify against him. I wanted him to see that he had not destroyed me. I wanted him to see that he had failed.

Due to that characterization as a warrior/survivor by my friend, I have examined my personality and those of others with similar traits. We all exhibited that same mentality, even though none of us ever really considered it to be such. We were all professionals who took our jobs seriously and did whatever was required to get that job done each day of our lives. It was not a onetime occurrence; it was how we always carried ourselves. The mind-set is not a thought or

an attitude. It is a way of life. It is not something that goes away at the end of our shift. It is our being. It is who we are.

I was determined to make my life right and move forward. I went to physical therapy and counseling. I endured hour upon hour of excruciating pain at the hands of my physical therapists. I underwent session after session of psychological pain while working with my psychologist. In the end, I have become a much better person with a much deeper appreciation of life. I also have a mission to take what I have experienced and teach other officers some basic, instinctive survival skills. I teach them to fight and never give up. I show them that I am no one special, and, by that, I mean that everything I did, have done, and will do again lies within each one of us. All that we need is the awareness that these tools exist inside us and the desire to implement them. If only one

officer applies these lessons learned and is able to survive, then I know that what I have endured and continue to share with others is worthwhile. My questions are simple: Are you that officer? Will you be the one to survive? Only you know for sure. ♦

Endnotes

¹ Anthony J. Pinizzotto, Edward F. Davis, and Charles E. Miller III, U.S. Department of Justice, Federal Bureau of Investigation, National Institute of Justice, *In the Line of Fire* (Washington, DC, 1997), 4.

The author presents this article as a tribute to Officer John Norcross of the Haddon Heights, New Jersey, Police Department and Investigator Jack McLaughlin of the Camden County, New Jersey, Prosecutor's Office, two valiant and compassionate men who made the supreme sacrifice in fulfilling their sworn duty of safeguarding the public.



Negotiation Position Papers

A Tool for Crisis Negotiators

By VINCENT A. DALFONZO and STEPHEN J. ROMANO, M.A.

Crisis negotiators take great pride in their communication skills. Their specialty is to influence and persuade, primarily through the use of active listening skills¹ and other communication techniques and strategies. Ironically, however, it is not unusual for even the most well-trained crisis negotiators to have difficulty effectively communicating the rationale for their assessments and strategy recommendations to the on-scene commander. To this end, negotiation position papers

(NPPs) help negotiators express their positions clearly and concisely during an incident.

The FBI's Crisis Negotiation Unit routinely uses NPPs and values them as important tools, especially during hostage or barricade incidents. Similarly, the use of well-formatted NPPs can prove very beneficial to other law enforcement agencies when handling these incidents.

Why Use NPPs?

The crisis negotiation coordinator, or team leader, is one of

the on-scene commander's key advisors during hostage or barricade incidents. Specifically, throughout the course of these incidents, the on-scene commander relies on the crisis negotiation coordinator to provide periodic briefings that give the *status* (an overall description of the incident), an *assessment* (an analysis of the incident), and *recommendations* (guidance and strategy).

Overall communication can be difficult during a crisis situation. The stress levels of all

major crisis management participants are high; the on-scene commander, who is under an enormous amount of pressure, in fact, also may be in crisis. As a result, the crisis negotiation coordinator may find briefing the on-scene commander an arduous task. NPPs serve as visual aids to complement these briefings; however, crisis negotiators should not use them as substitutes for briefings.

Also, negotiation teams ideally share NPPs with the command and tactical components. In this regard, NPPs help ensure that all three components of the crisis management triad (command, negotiation, and tactical) become equally well informed during a crisis situation.

Of course, NPPs are not used to communicate time-sensitive

or life-threatening information obtained by the crisis negotiation team. Such information is relayed immediately to the command and tactical components.

What Are The Benefits?

NPPs offer many benefits. Specifically, the crisis negotiation team will find that they enhance teamwork, communication, and documentation.

First, preparing NPPs can help the various members of the crisis negotiation team work together effectively. Although NPP writing may involve only one member, all team members contribute ideas. As a result, the entire team focuses on the negotiation effort. To this end, NPP preparation helps ensure that team members become equally aware of all of the latest

developments and also keeps them thinking proactively.

NPPs also can serve as briefing documents for those negotiators who may relieve, or complement, other negotiators during an incident. Responding negotiators then not only will have situation boards, logs, and audio tapes but also NPPs to review to help them become fully informed more quickly, thus helping them have an immediate impact during an incident.

In addition to being a written reinforcement of the crisis negotiation coordinator's oral briefing to the on-scene commander, NPPs also can enable the on-scene commander to brief those higher in the chain of command. Not only is this an additional burden removed from the on-scene commander but it also becomes more likely that an accurate account of the negotiation posture is conveyed to higher authorities.

Last, NPPs clearly document the crisis negotiation team's assessments and strategy recommendations throughout entire incidents. This can prove invaluable in cases where there is a difference of opinion during the conduct of a postincident critique or in the event of subsequent litigation proceedings.

What Is The Format?

This recommended format can serve as a guideline for



Special Agent Romano is chief of the Crisis Negotiation Unit of the Critical Incident Response Group at the FBI Academy.



Special Agent Dalfonzo is a program manager in the Crisis Negotiation Unit of the Critical Incident Response Group at the FBI Academy.

Sample NPP

This sample NPP, both easy to prepare and understand, demonstrates how crisis negotiation teams can format and use it in crisis situations.

NPP - 2

Date

Time

In this fictional hostage/barricade situation, several telephone contacts occurred between the crisis negotiation team and a male subject. These contacts occurred between 5:00 p.m. and 8:30 p.m.

Status

1. The subject remains in a private residence he entered 12 hours ago while fleeing from police. He possesses a 9-mm semiautomatic pistol.
2. The subject is keeping police at bay by holding two small children (ages 2 and 5), unrelated to him, as hostages. He has not threatened or harmed the children.
3. The subject demanded transportation only once, at the beginning of the siege, without setting any deadlines.
4. The subject's telephone line was captured.
5. The subject refuses to exit the crisis site or to surrender.

Assessment

1. This is a hostage situation.
2. The subject is a career criminal with a violent past, but is not prepared, through either planning or experience, for this situation.
3. The subject appears confused, scared, and concerned for his own safety, despite stating that he is in control of the situation and "has a plan."
4. The subject is using the children as protection from the police, not for bargaining.
5. The subject has not pressed for transportation or threatened his hostages; these both are positive signs.
6. Despite the presence of positive signs, the subject's reference to "his plan," without any reference to his future, seems to indicate the potential for suicide.
7. The crisis negotiation team assesses the threat level to the hostages as low. The team considers the subject a moderate suicide risk.

Recommendations

1. The crisis negotiation team should use active listening skills to build rapport and to explore the subject's concerns and motivations.
2. While communicating with the subject, to encourage him to surrender, the team should attempt to downplay his crimes and to offer a scenario that would minimize his embarrassment.
3. The team should consider using an appropriate family member as a third-party intermediary, especially if the subject's suicide potential increases.
4. The team should coordinate a food delivery to the subject to build trust and rapport and to allow the tactical team to gain a closer look at the crisis site.
5. Because the subject continues monitoring the news on television, incident command should send positive statements through the media regarding law enforcement's commitment to reach a peaceful resolution.
6. A low SWAT team profile should be used at this time. The subject currently enjoys a significant amount of control and leverage based upon his use of the children as hostages.



preparing NPPs. It is easy both to prepare and understand. First, the upper right-hand corner of the paper should denote the number of the NPP (e.g., NPP-1, NPP-2), along with the date and time the paper was prepared. This makes filing, retrieving, and reviewing the document easier. Second, the preamble to the body of the NPP should identify the number of contacts, and the times of those contacts, that the position paper is based upon (e.g., The following status, assessment, and recommendations are based upon two telephone contacts (6 a.m. and 8 a.m.) with the subject).

Next, the body of the NPP is divided into three sections; this is where the *status*, *assessment*, and *recommendations* are outlined. Concise, numbered bullets under each part are suggested, rather than a paragraph format.

Experience has shown that, during crisis situations, on-scene commanders are more apt to read, comprehend, and retain data in this simplified, user-friendly format.

The *status* section should provide a summary of the current situation, based upon the most recent intelligence, along with the latest contacts with the subject. The subject's identity, weaponry, demands, and deadlines, as well as the identity and welfare of the hostage or victim, are areas of interest. Brevity and accuracy are important; too much data may be counterproductive.

In the *assessment* section, the crisis negotiation team should explain whether they are dealing with a hostage, nonhostage (barri-cade with victims), lone barri-cade, or suicide situation. The team also should explain if the

subject seems capable of violent behavior (verbalized or not), apparent motivations, the perceived threat level (low, moderate, or high), demands, and subject-negotiator rapport.

Finally, in the *recommendations* section, the crisis negotiation team should outline its negotiation strategy recommendations, emphasizing what it hopes to accomplish during its next contact. This section also is used in advising the on-scene commander that a command decision may be required before pursuing a specific strategy. The on-scene commander must give clear negotiation guidelines that the crisis negotiation team must follow.

Conclusion

Using negotiation position papers represents an excellent method for communicating the crisis negotiation team's position during a hostage or barri-cade incident. NPPs complement verbal briefings provided to the command staff; they can provide invaluable assistance to the crisis negotiation team in effectively stating and defending its assessments and strategy recommendations to the on-scene commander. Further, NPPs can help the command, negotiation, and tactical components become equally well-informed during crisis situations.

Such critical incidents can prove highly stressful and

confusing; communication can become extremely difficult. NPPs can help bring structure and clarity to these situations. They serve the important purpose of making communication easier, even in some of the most difficult circumstances. ♦

Endnotes

¹ Active listening skills (ALS) are effective in defusing strong emotions and restoring speakers' emotional equilibrium. When listened to, speakers tend to listen to themselves more carefully and to evaluate and clarify their own thoughts and feelings. Listeners who use ALS demonstrate empathy, which enhances rapport with speakers and thus increases their

potential to influence speakers' behavior. For additional information, see Stephen J. Romano, "Communication Survival Skills For Managers," *FBI Law Enforcement Bulletin*, September 2002, 14-16; and Gary W. Noesner and Mike Webster, "Crisis Intervention: Using Active Listening Skills in Negotiations," *FBI Law Enforcement Bulletin*, August 1997, 13-19.

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Authors should supply references when quoting a source exactly, citing or paraphrasing another person's work or ideas, or referring to information that generally is not well known. For proper footnote format, authors should refer to *A Manual for Writers of Term Papers, Theses, and Dissertations*, 6th ed., by Kate L. Turabian.

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The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Officer Raterman

Early one morning, Officer Max Raterman of the Owego, New York, Police Department was dispatched to a structure fire. Upon arrival, Officer Raterman observed smoke and flames surging from a three-story building that housed 12 apartments on the second and third floors. Over the next few minutes, Officer Raterman made several trips into the building trying to wake occupants and assist them to safety. Shortly after fire department personnel arrived, Officer Raterman exited the building and maintained crowd control until other officers arrived. Once the fire was suppressed many hours later, Officer Raterman entered the building with a fire investigation team to try to determine the origin of the fire. Officer Raterman's diligence and courage saved many lives and made dealing with this tragedy more manageable for the victims.



Officer Wannow

Officer Steven Wannow of the Hartford, Wisconsin, Police Department responded to a call of a missing 16-year-old male. The missing individual, possibly considered endangered due to his diabetic condition, was missing from his place of employment after leaving work on foot. After taking the initial call, Officer Wannow began to search the immediate and adjacent areas on foot. Officer Wannow also alerted the local hospital of the situation. After searching for nearly one and one-half hours, and with darkness approaching, Officer Wannow found the subject lying on his back and unresponsive. Officer Wannow called for rescue personnel and administered first aid that revived the victim to a level of consciousness. The subject was treated at a local hospital where personnel credited Officer Wannow's quick response and ability to recognize serious life-threatening symptoms with potentially saving the victim's life.

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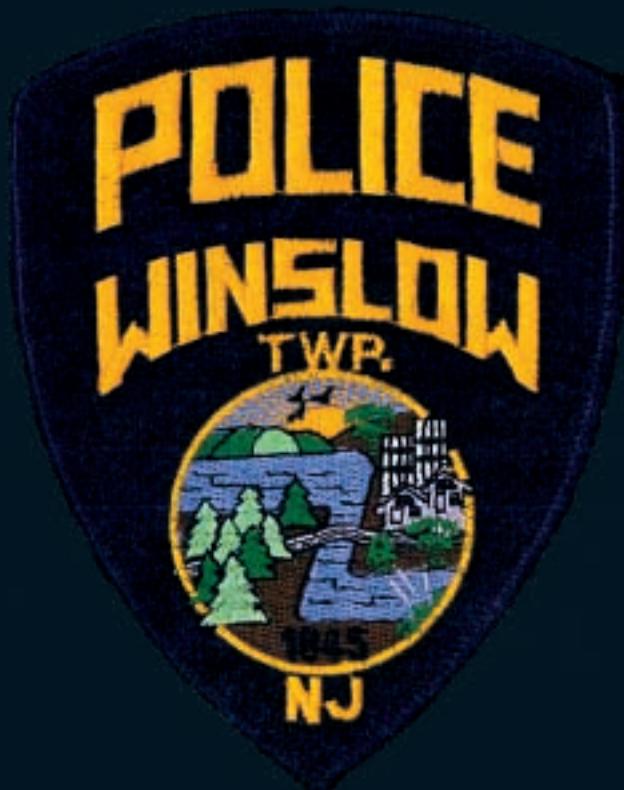
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Patch Call



The patch of the St. Helena, California, Police Department depicts alternating rows of green vineyards and golden wild mustard, with a cluster of dark wine grapes and green leaves on the left side of the patch. The background features the mountains that rise on each side of the Napa Valley. This patch honors St. Helena's role as the center of this premium wine-growing region.



At the center of the patch of the Winslow Township, New Jersey, Police Department is a circle, bisected by the Egg Harbor River. Surrounding the river is a cattail, symbolizing the wetlands habitat that prevails in and around the river basin, and an orchard, representing the area's strong agricultural tradition. The bottom of the circle features the year Winslow Township was incorporated, 1845.